

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

Dianna Dariano, et al.,

NO. C 10-02745 JW

Plaintiffs,

**ORDER VACATING CASE
MANAGEMENT CONFERENCE;
SETTING BRIEFING SCHEDULE**

v.

Morgan Hill Unified Sch. Dist., et al.,

Defendants.

This case is scheduled for a Preliminary Pretrial Conference on June 27, 2011. Pursuant to the Federal Rules of Civil Procedure and Local Rules of this Court, the parties conferred and duly submitted a Joint Pretrial Conference Statement. (See Docket Item No. 42.) In their Joint Statement, the parties dispute whether this case should be tried before a jury or as a bench trial. Because this dispute is significant, the Court finds that setting this case for trial is premature at this time. Rather, the Court sets a hearing on the Cross-Motions to resolve this issue prior to providing the parties with a trial schedule.

Accordingly, the Court VACATES the June 27 Conference and sets the briefing schedule on the anticipated Cross-Motions as follows:

- (1) As with the previous Case Schedule, the Court sets **October 3, 2011 at 9 a.m.**¹ for a hearing on dispositive and post-trial Motions.

¹ The Court will not extend this date for further Motions hearing. Thus, to the extent the parties have additional dispositive Motions to be filed, the parties shall notice the Motions in accordance with the schedule as set in this Order.

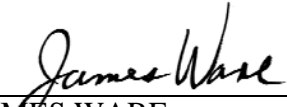
(2) On or before **August 1, 2011**, the parties shall simulataneously file their Cross-Motions as to whether either party is entitled to a jury trial.

(3) On or before **August 22, 2011**, the parties shall file their Oppositions to the Cross-Motions.

(4) On or before **September 5, 2011**, the parties shall file their Replies, if any.

The Court will set a new Preliminary Pretrial Conference in its Order addressing the anticipated Motions.

Dated: June 21, 2011



JAMES WARE
United States District Chief Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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6 **Dated: June 21, 2011**

Richard W. Wieking, Clerk

7 **By: /s/ JW Chambers**
8 **Susan Imbriani**
9 **Courtroom Deputy**